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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 WILLIAM B. COWEN, Regional
Director of Region 21 of the National
12 Labor Relations Board, for, and on
behalf of, the NATIONAL LABOR
13 RELATIONS BOARD,

14 Petitioner,

15 v.

16 PACIFIC GREEN TRUCKING, INC.

17 Respondent.
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Civil No. 2:19-CV-00663 AB (RAOx)

REQUEST FOR JUDICIAL NOTICE
OF ADMINISTRATIVE DECISION
PURSUANT TO FRE 201
IN SUPPORT OF PETITION FOR
TEMPORARY INJUNCTION
UNDER SECTION 10(j) OF THE
NATIONAL LABOR RELATIONS
ACT, AS AMENDED [29 U.S.C. §
160(j)]

Date: March 8, 2019
Time: 10:00am
Judge: Hon. André Birotte Jr.
Courtroom: 7B
United States Courthouse
350 West First Street
Los Angeles, CA 90012

22 Petitioner, William B. Cowen, Regional Director of Region 21 of the
23 National Labor Relations Board (herein the Board), for and on behalf of the Board,
24 hereby requests the Court take judicial notice of the attached Administrative Law
25 Judge's Decision and Recommended Order (herein ALJD), issued by the Board's
26 Division of Judges on February 13, 2019.

27 This request is made pursuant to Federal Rule of Evidence 201, on the
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1 grounds that the Court may take judicial notice of any fact “not subject to
2 reasonable dispute because it...can be accurately and readily determined from
3 sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b).
4 A federal court may take judicial notice of information in public records, including
5 records and reports of administrative bodies. *See United States v. Ritchie*, 342 F.3d
6 903, 909 (9th Cir. 2003) (citing *Interstate Nat. Gas Co. v. S. Cal. Gas Co.*, 209 F.2d
7 380, 385 (9th Cir. 1953)). When supplied with the necessary information to
8 demonstrate accuracy, the Court must take judicial notice. Fed. R. Evid. 201(c)(2).

9 The attached ALJD is relevant because the Administrative Law Judge, upon
10 considering the same facts presented in the instant action, concluded that
11 Respondent committed the same unfair labor practices Petitioner seeks to enjoin.
12 This strongly bolsters Petitioner’s contention, as alleged in the Petition for
13 injunctive relief, that there is reasonable cause to believe that Respondent violated
14 the Act and that Petitioner will prevail on the merits in the administrative
15 proceeding. Courts have repeatedly relied on ALJ decisions in Section 10(j)
16 proceedings, finding that favorable ALJ decisions bolster the Board’s “likelihood of
17 success.” *See Small v. Avanti Health Sys., LLC*, 661 F.3d 1180, 1186 (9th Cir.
18 2011); *Frankl v. HTH Corp.*, 650 F.3d 1334, 1359, 1362-63 (9th Cir. 2011).

19 However, the ALJD is not the final administrative decision of the Board.
20 Under the Board’s Rules and Regulations, any party may file exceptions with the
21 Board and parties may file an answering brief opposing any exceptions that are
22 filed, after which final reply briefs may be submitted. In view of the numerous
23 stages remaining in this administrative proceeding, Petitioner anticipates many
24 more months of administrative litigation. As the administrative litigation is still
25 ongoing and the time before a final Board Order may be considerable, the risk of
26 irreparable harm not only continues, but also increases. As such and in light of the
27 ALJD, injunctive relief is even more strongly warranted.

28 A true and correct copy of the ALJD is attached as Exhibit 1.

1 Dated at Los Angeles, California, this 15th day of February, 2019.

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3 Respectfully submitted,

4 /s/ Mathew Sollett
5 Mathew Sollett
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